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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/595,629

05/01/2006

Hiroshi Kayama

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3761

52044

7590

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EXAMINER

LEGASSE JR, FRANCIS M

ART UNIT

PAPER NUMBER

2878

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/595,629	<b>Applicant(s)</b> KAYAMA ET AL.	
	<b>Examiner</b> FRANCIS M. LEGASSE JR	<b>Art Unit</b> 2878	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>1 May 2006</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Title*

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toda et al. (US 2004/0141432, "Toda", hereinafter) in view of Honda et al. (US 2002/0191517, "Honda", hereinafter).**

**Regarding claim 1,** Toda (*figure 1*) discloses an information processing apparatus for performing at least one of a recording operation and a reproduction

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operation for an information medium having

- an information layer (5), comprising:
- a light source (1);
- a convergence lens (4) for converging light emitted from the light source (1) onto the information layer (5) of the information medium;
- a light detecting means (7) for receiving reflected light which is reflected by the information layer (1) of the information medium and for generating a detection signal based on the received reflected light; and ([0018])
- a controlling means (14, 19) for controlling light output of the light source based on the detection signal ([0018]),

Toda fails to explicitly teach that the information medium includes a visual information layer capable of recording visibly identifiable visual information, the visual information layer facing the information layer, the controlling means controls the light output of the light source based on the detection signal, even when the visual information is recorded in the visual information layer of the information medium.

Honda (*figures 1 and 6*) teaches an information medium including a visual information layer (18) capable of recording visibly identifiable visual information, the visual information layer facing the information layer, the controlling means controls the light output of the light source based on the detection signal, even when the visual information is recorded in the visual information layer of the information medium ([0030], [0036], [0037]).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to use the visual information layer of Honda in combination with the apparatus of Toda because it provides a means to write on the surface of a disk without having to have other components such as printers and labels and it further reduces the chances of damaging the optical storage layer in the process.

**.Regarding claim 2**, Toda as modified by Honda (*Toda: figure 1*) discloses an information processing apparatus for performing at least one of a recording operation and a reproduction operation for an information medium wherein the detection signal is a focus error signal, and the controlling means (14, 19) controls the light output of the light source in accordance with a deviation of the focus error signal from a control target value ([0018]).

**Regarding claim 3**, Toda as modified by Honda (*Toda: figure 1*) discloses an information processing apparatus for performing at least one of a recording operation and a reproduction operation for an information medium further comprising a light output monitoring light (8) detecting means for detecting light output from the light source (1), wherein the controlling means controls (14, 19) the light output of the light source, based on the detection signal output from the light detecting means (7) and a further detection signal output from the light output monitoring light detecting means (8).

#### ***Cited Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nagara et al. (US 2004/0042364) discloses an optical pickup device comprising to photo-detectors that are used to control a light source.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Francis M. LeGasse Jr whose telephone number is (571) 272-9798. The examiner can normally be reached on Monday through Thursday 7:00 am to 5:30 pm E.S.T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached on (571) 272-2328. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Thanh X Luu/  
Primary Examiner, Art Unit 2878